REMARKS

The Examiner's Office Action of May 24, 2004 has been received and its contents reviewed. Applicant would like to thank the Examiner for the consideration given to the above-identified application.

By the above actions, claims 1, 5, 9 and 12 have been amended. Accordingly, claims 1-20 are pending for consideration, of which claims 1, 5, 9, 12, 15 and 18 are independent. In view of these actions and the following remarks, reconsideration of this application is now requested.

Referring now to the detailed Office Action, claims 1-4, 9-11 and 15-17 stand rejected under the judicially created doctrine of double patenting over claims 26-32 of U.S. Patent No. 6,660,575 issued to Zhang (hereafter Zhang '575). According to the Examiner, although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art at the time the invention was made to obtain a semiconductor film comprising an amorphous silicon layer and hydrogen by a CVD using a silane as a reactant gas.

Further, claims 5-8, 12-14 and 18-20 stand rejected under the judicially created doctrine of double patenting over claims 33-37 of Zhang '575. According to the Examiner, although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art at the time the invention was made to obtain a semiconductor film comprising an amorphous silicon layer and hydrogen by using a silane gas only. In response, Applicant respectfully traverses these rejections at least for the reasons provided below.

Applicant respectfully submits that Zhang '575 does not recite irradiating a laser light for introducing an impurity element. This feature has an advantage in that a doping process can be carried out without any heat damage to a substrate, as disclosed on page 25, lines 12-15 of the specification. This irradiation step would not have been obvious to one skilled in the art at the time the invention was made.

MPEP 804 (page 800-22 Aug. 2001 Edition) states the following:

Any obviousness-type double patenting rejection should make clear:

(A) The differences between the inventions defined by the conflicting claims — a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

When considering whether the invention defined in a claim of an application is an obvious variation of the invention defined in the claim of a patent, the disclosure of the patent may not be used as prior art. This does not mean that one is precluded from all use of the patent disclosure.

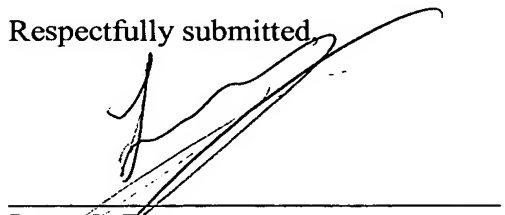
Accordingly, the burden is on the Office to establish why one of ordinary skill in the art would conclude that the invention recited in the instant claims 1-4, 9-11 and 15-17 is an obvious variant of the invention recited in claims 26-32 of the Zhang '575 patent, and that the invention recited in the instant claims 5-8, 12-14 and 18-20 is an obvious variant of the invention recited in claims 33-37 of the Zhang '575 patent. That is, there must be a suggestion or teaching in the prior art that would motivate one of ordinary skill in the art to modify the invention recited in claims 26-33 and 33-37 of the Zhang '575 patent to reach the invention recited in the instant claims 1-20. Applicants respectfully submit that the Examiner has a burden to make clear points *(A)* and *(B)* as stated in the MPEP, particularly to address Applicant's claimed feature of irradiating a laser light for introducing an impurity element, which is not claimed by Zhang '575.

Claims 1, 5, 9 and 12 have been amended, as shown above, to delete the limitation relating to a patterning step for forming semiconductor islands.

In view of the amendments and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the double patenting rejections.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby by expedited.

Respectfully submitted,



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